

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CRIMINAL CASE NO. 1:96-cr-00013-MR-WCM-1**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**ALVIN LEWIS KINCAID,**

**Defendant.**

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**ORDER**

**THIS MATTER** is before the Court on the Defendant's "Motion for Production of Documents" [Doc. 109].

On January 31, 1997, the Defendant Alvin Lewis Kincaid was convicted of the offenses of conspiracy to commit bank robbery, aiding and abetting bank robbery, using and carrying a firearm during and in relation to a crime of violence, possession of a firearm after having been convicted of a felony. [Doc. 35]. He was sentenced to a total term of 300 months' imprisonment to be followed by five years of supervised release. [Id.].

The Defendant was released from prison and commenced a term of supervised release on February 15, 2019. In December 2020, the Court found that the Defendant had violated the terms of his supervised release and sentenced him to a term of time served and 24 months of supervised

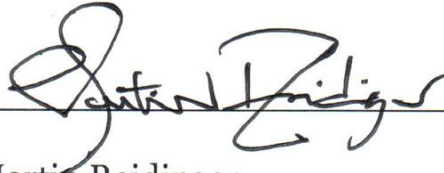
release. [Doc. 96]. In March 2022, the Defendant again violated the terms of his supervised release and was sentenced to 27 months' imprisonment with no supervised release to follow. [Doc. 108]. The Defendant did not appeal this judgment, and there are no other motions or proceedings pending in this case.

The Defendant now moves the Court to provide him documents “for the purposes of and to succeed in the present 2255 motion submitted to the court.” [Doc. 109 at 1]. The Defendant’s motion must be denied. Although the Defendant’s motion states that a document request is “attached,” no such request accompanies his motion. [Id.]. Further, the Defendant has no § 2255 petition or any other post-conviction motion pending before this Court. The Defendant therefore has failed to demonstrate a particularized need for any documents. See United States v. MacCollom, 426 U.S. 317, 326-27 (1976) (holding that federal inmates are not entitled to transcripts at Government expense absent some showing of a particularized need); Jones v. Superintendent, Va. State Farm, 460 F.2d 150, 152 (4<sup>th</sup> Cir. 1972) (“[A]n indigent is not entitled to a transcript at government expense without a showing of the need, merely to comb the record in the hope of discovering some flaw.”) (citation omitted).

Accordingly, **IT IS, THEREFORE, ORDERED** that the Defendant's  
"Motion for Production of Documents" [Doc. 109] is **DENIED**.

**IT IS SO ORDERED.**

Signed: September 25, 2022

A handwritten signature in black ink, appearing to read "Martin Reidinger", written over a horizontal line.

Martin Reidinger  
Chief United States District Judge

